

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Conwell

Art Unit: 2624

**Patent 7,657,064, Issuing February 2, 2010**

Conf. No.: 4862

Application No.: 09/670,113

Via Electronic Filing

Filed: September 26, 2000

For: METHODS OF PROCESSING TEXT  
FOUND IN IMAGES

Examiner: Tucker

Date: January 20, 2010

**APPLICATION FOR PATENT TERM ADJUSTMENT**  
**(Request for Reconsideration of PTO's Patent Term Adjustment Determination)**  
**(37 CFR 1.705(d))**

Sir,

Applicant requests reconsideration of the Office's Patent Term Adjustment (PTA) Determination. In particular, applicant believes the 1642 day PTA listed on the PTO's Patent Term Adjustment page on PAIR is incorrect; the correct PTA is believed to be 2772 days.

Statement of Facts

The calculation of PTO Delay is believed to be in error; Applicant submits it is longer than the 1642 days indicated on the Office's PAIR Patent Term Adjustment page (attached).

In particular, Applicant believes both "14 Month to First Action" and "3 Year to Issuance" delays should have been credited in accordance with the decision of the Federal Circuit in *Wyeth v. Kappos*, Appeal 2009-1120, January 7, 2010.

The Office computed its delay as including 613 days of 14 Month to First Action Delay, 49 days of other Examiner delay, and 1142 days of Appeal. However, no 3 Year to Issuance delay appears to have been credited.

This application was filed on September 26, 2000, and is scheduled to issue on February 2, 2010.

Applicant submits that – properly computed – a 3 Year Delay period began on the third anniversary of the filing date (i.e., September 26, 2003), and extends until the issue date (i.e., February 2, 2010), or 2321 days.

None of this 3 Year Delay period overlaps the 14 Month to First Action delay. However, this 3 Year Delay period wholly encompasses both the 49 days of other Examiner delay, and the 1142 days of Appeal delay.

Applicant thus believes the correct PTA should be 2772 days, computed as follows:

613 days	14 Month Delay
2321 days	3 Year Delay
<u>-162 days</u>	Applicant delay
2772 days	

There was no circumstance constituting a failure to engage in reasonable efforts to conclude processing or examination of the application – other than those already considered in the PTO's earlier determination of patent term adjustment.

Date: January 20, 2010














Respectfully submitted,

DIGIMARC CORPORATION

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<b>09/670,113 METHODS OF PROCESSING TEXT FOUND IN IMAGES</b>			
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 Patent Term Adjustments	 Address & Attorney/Agent	 Assignments	 Display References
 Publication Review			

**Patent Term Adjustment**

Filing or 371(c) Date:	09-26-2000	USPTO Delay (PTO) Delay (days):	1804
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	162
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	1642
USPTO Adjustment (days):	+0	<a href="#">Explanation Of Calculations</a>	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
01-13-2010	PTA 36 Months		
02-02-2010	Patent Issue Date Used in PTA Calculation		
12-22-2009	Dispatch to FDC		
12-21-2009	Application Is Considered Ready for Issue		
12-16-2009	Response to Reasons for Allowance		
12-16-2009	Issue Fee Payment Verified		
12-16-2009	Issue Fee Payment Received		
10-07-2009	Receipt into Pubs		
09-23-2009	Mail Notice of Allowance		
09-09-2009	Document Verification		
09-09-2009	Examiner's Amendment Communication		
09-08-2009	Notice of Allowance Data Verification Completed		
06-16-2009	Mail BPAI Decision on Reconsideration - Denied		
06-16-2009	Dec on Reconsideration - Denied		
05-08-2009	Request for Reconsideration of Appeal Dec		
03-09-2009	Mail BPAI Decision on Appeal - Affirmed in Part	1142	
03-09-2009	BPAI Decision - Examiner Affirmed in Part	✖	
10-14-2008	Docketing Notice Mailed to Appellant	✖	
10-08-2008	Assignment of Appeal Number	✖	
08-28-2008	Appeal Awaiting BPAI Docketing	✖	
05-05-2008	Mail Reply Brief Noted by Examiner	✖	
05-05-2008	Reply Brief Noted by Examiner	✖	
03-06-2008	Date Forwarded to Examiner	✖	
02-05-2008	Reply Brief Filed	✖	
01-31-2008	Mail Reply Brief Noted by Examiner	✖	
01-29-2008	Reply Brief Noted by Examiner	✖	
12-12-2007	Date Forwarded to Examiner	✖	
12-03-2007	Reply Brief Filed	✖	
12-12-2007	Appeal ready for BPAI docketing	✖	
12-05-2007	Case Docketed to Examiner in GAU	✖	
11-13-2007	Mail Miscellaneous Communication to Applicant	✖	
11-09-2007	Miscellaneous Communication to Applicant - No Action Count	✖	
11-02-2007	Return of Undocketed appeal to the TC	✖	
11-02-2007	Exam. Ans. Review Complete	✖	
10-17-2007	Mail Examiner's Answer	✖	
10-15-2007	Examiner's Answer to Appeal Brief	✖	
09-09-2005	Information Disclosure Statement considered	✖	
08-14-2007	Appeal Brief Review Complete	✖	
08-14-2007	Date Forwarded to Examiner	✖	
05-11-2006	Appeal Brief Filed	✖	
05-03-2006	Notice -- Defective Appeal Brief	✖	
03-29-2006	Date Forwarded to Examiner	✖	
03-24-2006	Defective / Incomplete Appeal Brief Filed	✖	
03-24-2006	Appeal Brief Filed	✖	

03-24-2006	Appeal Brief Filed				
03-21-2006	Case Docketed to Examiner in GAU				
01-23-2006	Request for Pre-Appeal Conference Filed				
01-23-2006	Notice of Appeal Filed				
02-21-2006	Mail Appeals conf. Proceed to BPAI				
02-16-2006	Pre-Appeals Conference Decision - Proceed to BPAI				
11-15-2005	Mail Final Rejection (PTOL - 326)				
11-10-2005	Final Rejection				
09-09-2005	Reference capture on IDS				
09-22-2005	Data Forwarded to Examiner				
09-09-2005	Response after Non-Final Action				63
09-09-2005	Request for Extension of Time - Granted				
09-09-2005	Information Disclosure Statement (IDS) Filed				
09-09-2005	Information Disclosure Statement (IDS) Filed				
04-08-2005	Mail Non-Final Rejection			49	
04-04-2005	Non-Final Rejection				
02-01-2005	Data Forwarded to Examiner				
02-01-2005	Fee Payment Recorded (fees filed separately e.g. not with original papers, etc).				
02-01-2005	IFW TSS Processing by Tech Center Complete				
02-01-2005	Data Forwarded to Examiner				
10-18-2004	Response after Non-Final Action				3
10-18-2004	Workflow Incoming amendment IFW				
07-15-2004	Mail Non-Final Rejection				
07-12-2004	Non-Final Rejection				
05-10-2004	Information Disclosure Statement (IDS) Filed				
05-18-2004	Information Disclosure Statement (IDS) Filed				
05-28-2004	Data Forwarded to Examiner				
05-28-2004	Data Forwarded to Examiner				
05-18-2004	Request for Continued Examination (RCE)				
05-28-2004	Disposal for a RCE / CPA / R129				
05-18-2004	Workflow incoming amendment IFW				
05-18-2004	Workflow - Request for RCE - Begin				
05-05-2004	Mail Ex Parte Quayle Action (PTOL - 326)				
05-01-2004	Ex Parte Quayle Action				
02-05-2004	Information Disclosure Statement (IDS) Filed				
02-05-2004	Information Disclosure Statement (IDS) Filed				
02-20-2004	Data Forwarded to Examiner				
02-05-2004	Response after Non-Final Action				96
02-05-2004	Request for Extension of Time - Granted				
08-01-2003	Mail Non-Final Rejection			613	
07-26-2003	Non-Final Rejection				
06-06-2003	Case Docketed to Examiner in GAU				
11-20-2000	Case Docketed to Examiner in GAU				
11-14-2000	Application Dispatched from OIPE				
11-08-2000	Correspondence Address Change				
10-27-2000	IFW Scan & PACR Auto Security Review				
09-26-2000	Initial Exam Team on				